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The Honorable Edward F. Shea

5
6 IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WASHINGTON
7 AT SPOKANE

8 CHRISTINE A. WOLF,

9 Plaintiff,

10 v.

11 PROVIDENCE HEALTH & SERVICES,
d/b/a PROVIDENCE SACRED HEART
12 MEDICAL CENTER, a Washington
Nonprofit Corporation,

13 Defendant.
14

No. CV-10-095-EFS

STIPULATION AND
PROTECTIVE ORDER

15 STIPULATION

16 Based on the fact that discovery has been and may again be requested
17 in this case seeking disclosure of confidential business information, personnel
18 information, and other information of a sensitive and/or private nature, the
19 parties stipulate to the entry of the subjoined Protective Order pursuant to
FRCP 26(c).

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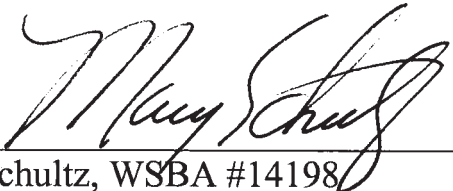
STIPULATION AND PROTECTIVE ORDER - 1
(CV-10-095-EFS)

DWT 15328294v1 0016924-000142



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1 DATED this _____ day of September, 2010.

2
3 MARY SCHULTZ LAW, P.S.
4 Attorneys for Plaintiff

5
6 By 
7 Mary Schultz, WSBA #14198

8
9 DAVIS WRIGHT TREMAINE LLP
10 Attorneys for Defendant, Providence
11 Health & Services d/b/a Providence
12 Sacred Heart Medical Center

13 By ^{#41004}  for Kathryn
14 Paula L. Lehmann, WSBA #20678 
Kathryn S. Rosen, WSBA #29465

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20 **PROTECTIVE ORDER**

STIPULATION AND PROTECTIVE ORDER - 2
(CV-10-095-EFS)

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PROTECTIVE ORDER

Pursuant to FRCP 26(c), and according to the Stipulation of the parties, it is ORDERED as follows:

1. Any documents produced by a party in this action which are, in good faith, determined by the producing party to contain confidential or proprietary information, including without limitation financial information, trade secrets, personnel and payroll information, or other commercially sensitive or personally sensitive information of a non-public nature, may be designated as confidential, and so marked, by stamping each page of the document "Confidential." If the document is more than 25 pages in length, stamping the front page "Confidential" shall be sufficient to cover the entire document under this Protective Order. The parties shall act in good faith and on a reasonable basis when designating the following materials "CONFIDENTIAL":

- (a) Medical records and healthcare information;
- (b) Personnel files of employees;
- (c) Payroll information;
- (d) Salary information;
- (e) Salary surveys;

1 (f) Salary guidelines and pay-grade levels;

2 (g) Social Security numbers;

3 (h) Information obtained from and regarding Providence Sacred
4 Heart Medical Center customers/clients, including but not limited to financial
5 and other information disclosed to Providence Sacred Heart Medical Center
6 for purposes of obtaining its products and services;

7 (i) Financial information of Defendant not subject to public
8 disclosure.

9 (j) Any other information not in the public domain and that is
10 reasonably and in good faith believed by the producing party to contain trade
11 secret, proprietary, or highly-sensitive business information.

12 2. When used in this Order, the word "documents" means all
13 written, recorded or graphic matter whatsoever, however created and
14 whatever the medium on which it was produced or reproduced, including, but
15 not limited to, documents produced by any party, whether pursuant to FRCP
16 33 or 34, subpoena, or by agreement, and may also include deposition
17 transcripts and exhibits, and any portions of any court papers which quote
18 from or summarize any of the foregoing.

19 3. All confidential documents and all information contained therein,
20 shall be used by the party(ies) to whom the documents are disclosed solely for

1 the prosecution and/or defense of this action, and shall not be further
2 disseminated, except as specifically set forth below.

3 4. Except with prior written consent of the party asserting
4 confidential treatment, confidential documents and the information contained
5 therein may be disclosed only to the following persons:

6 (a) Counsel for the party(ies) to whom the confidential
7 disclosure has or is to be made, and secretaries, paralegal assistants, and other
8 employees of such counsel who are assisting counsel in the prosecution
9 and/or defense of this action. Counsel shall be responsible for ensuring that
10 his or her associates and employees are informed of the terms of this Order
11 and agree to abide by them;

12 (b) The parties to this litigation, provided they are informed of
13 the terms of this Order and agree to abide by them;

14 (c) Outside consultants and experts retained by any party for
15 the purpose of assisting in the prosecution and/or defense of this action, but
16 only after the consultant or expert has read this Order and agrees in writing to
17 be bound by it, as set forth in Exhibit A. Upon Order of this Court, for good
18 cause shown, these agreements shall be available for inspection by counsel
19 for the party producing the confidential documents;
20

(d) Deposition witnesses during their depositions, or trial witnesses at trial, when necessary for, or otherwise relevant or helpful to, such witness's testimony, provided that confidential documents and the information contained therein may be disclosed to non-party deposition or trial witnesses only after the witness has read this Order and agrees in writing to be bound by it, as set forth in Exhibit A. Upon Order of this Court, for good cause shown, these agreements shall be available for inspection by counsel for the party producing the confidential documents; and

(e) The Court.

5. Subject to the Rules of Evidence, confidential information may be offered in evidence in filings with the Court, at trial, or at any court hearing. However, the parties will not file such information with the Court or otherwise use such information in open Court unless it is reasonably necessary to do so. Any party seeking to file or use documents designated as Confidential may only file such documents contemporaneously with a motion to seal such documents pursuant to GR 15. Any party may move the Court for an order that such evidence be received in camera or under other conditions to restrict disclosure. ~~A party intending to use or file a document that arguably contains confidential information shall provide seven (7) business days notice to the other party.~~

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MKF

1 6. The use of documents designated confidential, and information
2 derived therefrom, during the course of the trial of this action shall be
3 governed by further stipulation of the parties or further Order of this Court.
4 Except as to the use at trial of confidential documents and information
5 derived therefrom, this Order shall remain effective until such time as it is
6 superseded by stipulation of the parties or Order of this Court.

7 7. At the conclusion of the litigation of this action, or upon
8 settlement or dismissal, documents designated as confidential, and all copies
9 of such documents (other than exhibits of record), shall, at the direction of the
10 producing party, be (i) returned to the producing party and retained thereby
11 for a period of three years from the date the documents were returned, or
12 (ii) destroyed, with the party destroying the documents providing a certificate
13 of destruction to the producing party.

14 8. Nothing in this Order shall prevent any party to this action from
15 moving the Court to remove the confidential designation from a particular
16 document, from seeking modification of this Order or other or further
17 protection or relief, or from objecting to discovery which it believes to be
18 otherwise improper.

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20 ///

1 DATED this 18th day of September, 2010.

2
3 s/ Edward F. Shea

4 THE HONORABLE EDWARD F. SHEA

5
6 Presented by:

7 DAVIS WRIGHT TREMAINE LLP

8 Attorneys for Defendant Providence Health & Services d/b/a Providence
9 Sacred Heart Medical Center

10 By M. Kathryn Rosen, #41009, for Kathryn Rosen
11 Paula L. Lehmann, WSBA #20678
12 Kathryn S. Rosen, WSBA #29465

13 Approved as to Form;
14 Notice of Presentation Waived:

15
16 MARY SCHULTZ LAW, P.S.
17 Attorneys for Plaintiff

18 By Mary Schultz
19 Mary Schultz, WSBA #14198

20
STIPULATION AND PROTECTIVE ORDER - 8
(CV-10-095-EFS)

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EXHIBIT A

**AGREEMENT OF EXPERT, CONSULTANT,
NON-PARTY DEPOSITION OR TRIAL WITNESS,
OR DESIGNATED REPRESENTATIVE
TO BE BOUND BY PROTECTIVE ORDER**

The undersigned, _____ (print or
type name), an expert, consultant, non-party deposition or trial witness, or
designated representative of _____ (print
or type name of party or law firm), in connection with Christine A. Wolf v.
Providence Health and Services d/b/a Sacred Heart Medical Center, hereby
acknowledges that he or she has received a copy of the Protective Order
entered in these actions, which is attached hereto as Exhibit A, and has read
and agreed to be bound by all of the provisions thereof.

DATED: _____
Signature